11-04-04

1647 ATENT DFV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (Case No. 98,723-E1)

| (Case No. 98,723-E1) | | |
|----------------------|--|--|
| In r | e Application of: |) |
| | Juan Saus |)) Art Unit: 1 647 |
| Seri | ial No.: 10/008,721 |) Examiner: Seharaseyon |
| File | ed: December 7, 2001 |) Conf. No. 5105 |
| For | TNF-Inducible Promoters And Methods For Using | ,) |
| Com P.O. | Stop: AMENDMENT unissioner for Patents Box 1450 andria, VA 22313-1450 TRANSMITTAL L | ETTER |
| Sir: | | |
| 1. | 1. We are transmitting herewith the attached papers for the above-identified patent application: | |
| | ☐ Transmittal Letter (1 sheet); ☐ Response to Office Action mailed October 6, 2004 (1 sheet); ☐ Return Receipt Postcard | |
| 2. | With respect to fees: | |
| | No fee is required. | |
| | Please charge any underpayment or credit any overpa | ayment our Deposit Account, No. 13-2490. |
| 3. | CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR § 1.10: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as | |

By:

November, 2004. Express Mail No. EV595490019US.

"Express Mail Post Office to Addressee" in an envelope addressed to: U.S. Patent and Trademark Office, Mail Stop: AMENDMENT, P.O. Box 2327, Arlington, VA 22202, on this 3^{rd} day of

David S. Narper

Registration No. 42,636

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (Case No. 98,723-E1)

n re Application of:

Juan Saus

) Art Unit: **1647**

Serial No.: 10/008,721)
Examiner: Seharaseyon

Filed: **December 7, 2001**) Conf. No. 5105

For: TNF-Inducible Promoters And Methods)

For Using

BOX: AMENDMENT Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-14501

RESPONSE TO THE OFFICE ACTION MAILED OCTOBER 6, 2004

Sir:

In response to the Office Action mailed October 6, 2004, the Applicants herewith elect the invention of Group IV, claims 2-13 drawn to claims for isolated nucleic acid sequences including SEQ ID NO:6, expression vectors, and recombinant host cells containing same, for further prosecution in the current application. The election is made with traverse.

The Applicants note that upon the allowance of the identified linking claims (2-13), the restriction requirement as to the linked inventions of groups 1 to 31 will be withdrawn and those claims will be entitled to examination in the instant invention.

If there are any questions about this matter, the patent office can contact the below-signed attorney at 312-913-0001.

Respectfully submitted, McDONNELL BOEHNEN HULBERT & BERGHOFF

David S. Harper Reg. No. 42,636

11/3/04

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